

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1702**

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**Introduced by Assembly Member Swanson**

February 1, 2010

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~~An act to amend Section 104113 of the Health and Safety Code, relating to defibrillators. An act to amend Section 84810.5 of the Education Code, relating to community colleges.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1702, as amended, Swanson. ~~Defibrillators. Community colleges:~~ *inmate education programs: computation of apportionments.*

*(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as a segment of public postsecondary education in the state.*

*Existing law, notwithstanding open course provisions in statute or regulations of the board of governors, authorizes the governing board of a community college district that provides classes for inmates of certain facilities, including a federal correctional facility, to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.*

*This bill would instead require the open course provisions in statute or regulations of the board of governors to be waived for a governing board of a community college district that provides those classes for inmates, including inmates of state correctional facilities, and would authorize the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.*

(2) Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

*This bill would make revisions to that method of computation.*

*The bill would prohibit a community college district from claiming, under the bill, for purposes of apportionments, a class for which a district receives full compensation for its direct education costs for the conduct of the class from a public or private agency, individual, or group of individuals, and a class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement, as prescribed.*

~~Existing law, until July 1, 2012, requires every health studio, as defined, to acquire an automatic external defibrillator, provides immunity for use or nonuse of the devices, except as specified, and establishes standards for the devices, including, but not limited to, maintenance and staff training regarding proper use.~~

~~This bill would extend the requirements to acquire an automatic external defibrillator to July 1, 2015; however, the immunity provisions and the standards governing the maintenance of the device and the training of personnel in the use of the device would remain in effect after that date if the entities that are subject to the bill elect to continue the installation of the device, as specified. The bill would require that records of a readiness check on a defibrillator be maintained for 2 years after the check. The bill would also, beginning July 1, 2011, apply these requirements and this immunity to golf courses and amusement parks, as defined.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     **SECTION 1.** *Section 84810.5 of the Education Code is amended*
- 2     *to read:*
- 3     84810.5. (a) ~~Notwithstanding open~~(1) *Open* course provisions
- 4     in statute or regulations of the board of ~~governors, the~~ *governors*
- 5     *shall be waived for a* governing board of a community college
- 6     district that provides classes for inmates of ~~any~~ *a* city, county, or
- 7     city and county jail, road camp, farm for adults, or ~~federal~~
- 8     correctional facility may include the units of full-time equivalent

~~student (FTES) generated in those classes for purposes of state apportionment. The attendance hours generated by credit or noncredit shall be added and counted for apportionment purposes as noncredit attendance hours state or federal correctional facility. This section shall not be construed to authorize the waiver of open course provisions in any context or situation other than those that are specifically authorized by this section. Subject to limitations set forth in subdivision (b), the board of governors may include the units of full-time equivalent students (FTES) generated in those classes for purposes of state apportionments.~~

(2) *The attendance hours generated by credit courses shall be funded at the marginal credit rate determined pursuant to paragraph (2) of subdivision (d) of Section 84750.5. The attendance hours generated by noncredit courses shall be funded at the noncredit rate.*

(b) (1) *A community college district shall not claim, for purposes of state apportionments under this section, a class to which either of the following applies:*

(A) *The district receives full compensation for its direct education costs for the conduct of the class from a public or private agency, individual, or group of individuals.*

(B) *The district has a contract or instructional agreement, or both, for the conduct of the class with a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement.*

(2) *In reporting a claim for apportionment to the Chancellor of the California Community Colleges under this section, the district shall report any partial compensation it receives from the sources described in subparagraphs (A) and (B) of paragraph (1) during the period for which the claim is made. The chancellor shall subtract the amount of any partial compensation received from the total apportionment to be paid.*

(c) *This section shall not be construed as providing a source of funds to shift, supplant, or reduce the costs incurred by the Department of Corrections and Rehabilitation in providing inmate education programs.*

~~(b) Notwithstanding any other provision of law, no funds for inmate education programs provided pursuant to this section shall be considered as part of the base revenues for community college~~

1 districts in computing apportionments as prescribed in regulations  
2 of the board of governors. When computing apportionments for  
3 districts that provided inmate education programs in the 1994-95  
4 fiscal year, the student workload measures generated and revenues  
5 received for that year shall be added to their noncredit base revenue  
6 and noncredit base workload measures for the following year.

7 SECTION 1. ~~Section 104113 of the Health and Safety Code~~  
8 ~~is amended to read:~~

9 ~~104113. (a) (1) Commencing July 1, 2007, every health studio,~~  
10 ~~as defined in subdivision (g), commencing July 1, 2011, every~~  
11 ~~amusement park, as defined in subdivision (g), and commencing~~  
12 ~~July 1, 2011, every golf course, shall acquire an automatic external~~  
13 ~~defibrillator. The requirement to acquire an automatic external~~  
14 ~~defibrillator pursuant to this subdivision shall terminate on July~~  
15 ~~1, 2015.~~

16 ~~(2) Commencing July 1, 2007, every health studio, as defined~~  
17 ~~in subdivision (g), commencing July 1, 2011, every amusement~~  
18 ~~park, as defined in subdivision (g), and commencing July 1, 2011,~~  
19 ~~every golf course, shall, until July 1, 2015, maintain, and train~~  
20 ~~personnel in the use of, any automatic external defibrillator~~  
21 ~~acquired pursuant to paragraph (1).~~

22 ~~(3) On or after July 1, 2015, an amusement park, a golf course,~~  
23 ~~or a health studio that elects to continue the installation of an~~  
24 ~~automatic external defibrillator that was acquired pursuant to~~  
25 ~~paragraph (1) shall maintain and train personnel in the use of an~~  
26 ~~automatic external defibrillator pursuant to this section, and shall~~  
27 ~~not be liable for civil damages resulting from the use, attempted~~  
28 ~~use, or nonuse of an automatic external defibrillator as provided~~  
29 ~~by this section.~~

30 ~~(b) An employee of an amusement park, a golf course, or a~~  
31 ~~health studio who renders emergency care or treatment is not liable~~  
32 ~~for civil damages resulting from the use, attempted use, or nonuse~~  
33 ~~of an automatic external defibrillator, except as provided in~~  
34 ~~subdivision (f).~~

35 ~~(c) When an employee uses, does not use, or attempts to use,~~  
36 ~~an automatic external defibrillator consistent with the requirements~~  
37 ~~of this section to render emergency care or treatment, the members~~  
38 ~~of the board of directors of the facility shall not be liable for civil~~  
39 ~~damages resulting from any act or omission in rendering the~~  
40 ~~emergency care or treatment, including the use or nonuse of an~~

1 automatic external defibrillator, except as provided in subdivision  
2 (f):

3 ~~(d) Except as provided in subdivision (f), when an employee of~~  
4 ~~an amusement park, a golf course, or a health studio renders~~  
5 ~~emergency care or treatment using an automatic external~~  
6 ~~defibrillator, the owners, managers, employees, or otherwise~~  
7 ~~responsible authorities of the facility shall not be liable for civil~~  
8 ~~damages resulting from any act or omission in the course of~~  
9 ~~rendering that emergency care or treatment, provided that the~~  
10 ~~facility fully complies with subdivision (e):~~

11 ~~(e) Notwithstanding Section 1797.196, in order to ensure public~~  
12 ~~safety, an amusement park, a golf course, or a health studio shall~~  
13 ~~do all of the following:~~

14 ~~(1) Comply with all regulations governing the placement of an~~  
15 ~~automatic external defibrillator.~~

16 ~~(2) Ensure all of the following:~~

17 ~~(A) The automatic external defibrillator is maintained and~~  
18 ~~regularly tested according to the operation and maintenance~~  
19 ~~guidelines set forth by the manufacturer, the American Heart~~  
20 ~~Association, or the American Red Cross, and according to any~~  
21 ~~applicable rules and regulations set forth by the governmental~~  
22 ~~authority under the federal Food and Drug Administration and any~~  
23 ~~other applicable state and federal authority.~~

24 ~~(B) The automatic external defibrillator is checked for readiness~~  
25 ~~after each use and at least once every 30 days if the automatic~~  
26 ~~external defibrillator has not been used in the preceding 30 days.~~  
27 ~~Records of a check shall be maintained for two years after the~~  
28 ~~check.~~

29 ~~(C) Any person who renders emergency care or treatment on a~~  
30 ~~person in cardiac arrest by using an automatic external defibrillator~~  
31 ~~activates the emergency medical services system as soon as~~  
32 ~~possible, and reports any use of the automatic external defibrillator~~  
33 ~~to the licensed physician and to the local EMS agency.~~

34 ~~(D) For every automatic external defibrillator unit acquired, up~~  
35 ~~to five units, no less than one employee per automatic external~~  
36 ~~defibrillator unit shall complete a training course in~~  
37 ~~cardiopulmonary resuscitation and automatic external defibrillator~~  
38 ~~use that complies with the regulations adopted by the Emergency~~  
39 ~~Medical Services Authority and the standards of the American~~  
40 ~~Heart Association or the American Red Cross. After the first five~~

~~automatic external defibrillator units are acquired, for each additional five automatic external defibrillator units acquired, a minimum of one employee shall be trained beginning with the first additional automatic external defibrillator unit acquired. Acquirers of automatic external defibrillator units shall have trained employees who should be available to respond to an emergency that may involve the use of an automatic external defibrillator unit during normal operating hours. Acquirers of automatic external defibrillator units may need to train additional employees to assure that a trained employee is available at all times.~~

~~(E) There is a written plan that exists that describes the procedures to be followed in the event of an emergency that may involve the use of an automatic external defibrillator, to ensure compliance with the requirements of this section. The written plan shall include, but not be limited to, immediate notification of 911 and trained office personnel at the start of automatic external defibrillator procedures.~~

~~(f) Subdivisions (b), (c), and (d) do not apply in the case of personal injury or wrongful death that results from gross negligence or willful or wanton misconduct on the part of the person who uses, attempts to use, or maliciously fails to use an automatic external defibrillator to render emergency care or treatment.~~

~~(g) For purposes of this section:~~

~~(1) "Amusement park" means any area where amusement park rides are inspected pursuant to Part 8.1 (commencing with Section 7920) of Division 5 of the Labor Code.~~

~~(2) "Health studio" means any facility permitting the use of its facilities and equipment or access to its facilities and equipment, to individuals or groups for physical exercise, body building, reducing, figure development, fitness training, or any other similar purpose, on a membership basis. "Health studio" does not include any hotel or similar business that offers fitness facilities to its registered guests for a fee or as part of the hotel charges.~~